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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,514	10/09/2001	Hidetoshi Kabasawa	JCLA8093	7324
7590	02/05/2004		EXAMINER	
			KLIMOWICZ, WILLIAM JOSEPH	
			ART UNIT	PAPER NUMBER
			2652	
DATE MAILED: 02/05/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,514

Applicant(s)

KABASAWA, HIDETOSHI

Examiner

William J. Klimowicz

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 December 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 8-15 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Supplemental Election/Restrictions

In lieu of the Applicants amendment to the claims subsequent to the original restriction requirement (Paper No. 3), the Examiner has set forth a supplemental restriction requirement based on Applicant's amendment, *infra*.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 9-11, drawn to, *inter alia*, a carrier position detecting device, for detecting a position of the carrier with respect to the holder; wherein the carrier position detecting device further comprises switches installed on the carrier which is on/off by an operation, and switch operation members installed on the holder for operating the switches in response to a move of the carrier, and wherein the switch operation members perform different operations with respect to the switches for each predetermined detecting position of the carrier used in a recording medium loading apparatus, classified in class 369, subclass 30.36.
- II. Claims 12-15, drawn to, *inter alia*, a medium determining device for determining types of the recording media; and a control device for controlling and driving the carrier driving device and the clamp mechanism, wherein when the type of the held recording medium is determined by the medium determining device, by controlling and driving the carrier driving device, the control device causes the carrier move to a proper clamp position corresponding to the determined recording medium, and thereafter causes the medium driving device clamp the recording medium, used in a recording medium loading apparatus, classified in class 369, subclass 270.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention each or the identified Groups can be used in a conventional disc apparatus exclusive to the other Groups, i.e., each of the identified two Groups has separate utility such as the elements which can be used in a conventional disc apparatus exclusive to the elements set forth in the subcombination of the other remaining Group. See MPEP § 806.05(d).

It is further noted that claim 8 is a linking claim, which links the inventions of Group I and Group II. Upon election of either Group I or Group II, the linking claim will also be examined. If claim 8 is found to be subsequently allowable, the restriction requirement will be reconsidered and the distinct inventions rejoined.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Additionally, the search required for each individual Group is not required for the remaining Groups, restriction for examination purposes as indicated is proper.

Moreover, each of the Groups have acquired a separate status in the art because of their recognized divergent subject matter (as evidenced by their different classification), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

will KJ
William J. Klimowicz
Primary Examiner
Art Unit 2652

WJK